

**MINUTES
REGULAR MEETING OF THE CITY OF OWOSSO ZONING BOARD OF APPEALS
SEPTEMBER 20, 2022 AT 9:30 A.M.**

CALL TO ORDER: Chairman Grubb called the meeting to order at 9:32 a.m.

ROLL CALL: Was taken by Molly Hier

MEMBERS PRESENT: Secretary Matthew Grubb, Board Members Charles Suchanek and Robert Teich

MEMBERS ABSENT: Board Members Justin Horvath and Thomas Taylor

OTHERS PRESENT: Justin Sprague, CIB Planning, Tanya Buckelew, Planning & Building Director and Carol Klinger, Representative of Blue Grass Pizza (SFR X Holdings, LLC)

SELECTION OF OFFICERS:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER SUCHANEK TO APPROVE THE FOLLOWING SELECTION OF OFFICERS: CHAIRMAN MATTHEW GRUBB, VICE-CHAIR JUSTIN HORVATH AND SECRETARY THOMAS TAYLOR.

AYES ALL. MOTION CARRIED.

AGENDA:

IT WAS MOVED BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER SUCHANEK TO APPROVE THE AGENDA FOR THE SEPTEMBER 20, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER SUCHANEK TO APPROVE THE MINUTES OF THE APRIL 19, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

PUBLIC HEARINGS:

- | | |
|----------------------------|-------------------------------------|
| 1. APPLICANT: | SFR X HOLDINGS, LLC |
| LOCATION OF APPEAL: | 737 W MAIN STREET, Owosso, MI 48867 |
| PARCEL NUMBER: | 050-660-018-017-00 |
| PROPERTY ZONING: | B-4, GENERAL BUSINESS DISTRICT |
| CASE #: | P2022-015 |

Variance request for SFR X Holdings, LLC, to convert an existing vacant building into a restaurant with a pick-up window. The property is located at 737 W. Main Street on the southeast corner of W. Main Street and S. Cedar Street.

Chairman Grubb opened the Public Hearing at 9:40 am. No public was present. The Public Hearing was closed.

The site currently has a vacant building that was previously used for commercial purposes. Given the relatively small size of the existing parcel (0.36 acres) and the ordinance requirement to maintain a 60-foot setback from the right-of-way for a pick-up window, the applicant is seeking a variance of 9.3 feet to install the pick-up window in the existing building in a location that provides ample room for the stacking of up to 5 vehicles.

It should be noted that the proposed pick-up window will be different from a traditional drive-thru window. Customers will place all orders ahead either online, by mobile app or by phone, then will utilize the pick-up window only to receive their order at the time that it is ready.

REVIEW COMMENTS

1. Will not be contrary to the public interest or the intent and purpose of this chapter.

Review Comment: The intent of the chapter is to ensure that those uses that tend to serve higher volumes of vehicle traffic are designed in a manner to ensure minimal points of potential conflict between vehicles and pedestrians as well as enough space designated to accommodate vehicle stacking for those customers utilizing the drive-thru services. Given the layout of the existing site, the variance is relatively minor and would not be contrary to the intent and purpose of this chapter of the ordinance.

2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.

Review Comment: The use is permitted by special condition in the B-4 District.

3. Is one that is unique and not shared by others.

Review Comment: This site is somewhat unique due to being both a small corner lot and previously developed site that may actually outdate the ordinance requirement for which the variance is sought.

4. Will relate only to the property that is under control of the applicant.

Review Comment: The variance will only relate to the property under the control of the applicant.

5. Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, but would prevent compliance for the proposed use or would create more potential pedestrian and vehicular conflict opportunities without the variance.

6. Was not created by action of the applicant (i.e. that it was not self-created).

Review Comment: While the need for the variance is self-created (adding the pick-up window), the applicant is only trying to improve the safety of future customers.

- 7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.**

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

- 8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.**

Review Comment: The variance would not negatively impact property values in the immediate vicinity.

- 9. Is applicable whether a granting of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however since the variance requested is relatively minor at 9.3 feet, a lesser variance may not work in this case.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when anyone (1) of the following special conditions can be clearly demonstrated:

- 1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.**

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code given the small size of this particular lot.

- 2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.**

Review Comment: There appear to be exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district given the small size of the lot and the fact that it is a corner lot.

- 3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.**

Review Comment: The variation would allow the property owner to improve existing conditions on the property as well as provide a service that is similarly provided in the community on larger lots.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **737 W. Main Street to allow the reduction of a required 60-foot setback by 9.3 feet be approved**, for the following reasons:

1. The replacement would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. That the existing lot, structure and layout of the property is smaller than other similar properties in the area and that setback requirements as a result of being a corner lot would be difficult for many new businesses to accommodate on this site; and
4. A variation is necessary for the preservation of a substantial property right possessed by others in the same district

MOTION BY BOARD MEMBER TEICH, SECONDED BY CHAIRMAN GRUBB TO APPROVE THE REQUESTED VARIANCE FOR 737 W MAIN STREET TO ALLOW THE REDUCTION OF A REQUIRED 60 FOOT SETBACK BY 8 - 12 FEET FOR THE FOUR ABOVE REASONS LISTED FROM THE CITY PLANNER'S RECOMMENDATION LETTER.

AYES: CHAIRMAN GRUBB, BOARD MEMBER SUCHANEK AND TEICH

NAYS: NONE

RCV MOTION CARRIED

OTHER BOARD BUSINESS: NONE

PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY CHAIRMAN GRUBB TO ADJOURN THE MEETING AT 9:50 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, OCTOBER 18, 2022.

YEAS: ALL. MOTION CARRIED.

Thomas Taylor, Secretary